

### **REMARKS**

The remainder of this Amendment is set forth under appropriate subheadings for the convenience of the Examiner.

#### **Amendments to the Specification and Claims**

The Related Application paragraph has been amended to update the status of the parent application, U.S. Application No. 09/995,079.

Claim 16 has been amended to replace the term "latticed" with "lattice," which is self-obvious.

No new matter has been added.

#### **Claim Objection**

Claim 16, as previously presented, has been objected to because of the term "latticed." As discussed above, Claim 16 has been amended to replace the term "latticed" with "lattice," as suggested by the Examiner. Accordingly, Applicants respectfully request withdrawal of this objection.

#### **Claim Rejections**

Claims 1-13, 15, and 16, as previously presented, stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,765,242 B1 to Chang, *et al.* (hereinafter "Chang '242"). Claims 14 and 17, as previously presented, stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Chang '242.

Although Applicants do not agree with the Examiner at least for the reasons set forth in the previous reply, Applicants are filing a Declaration of Roger E. Welser, Ph.D., under 37 C.F.R. § 1.131 (hereinafter "the Declaration"), concurrently with this Amendment to antedate Chang '242.

Chang '242 was filed on April 11, 2000 and patented on July 20, 2004. The effective priority date of the present application is November 27, 2000, the filing date of the corresponding Provisional Application No. 60/253,159, the benefit of which the present application's parent U.S. Application No. 09/995,079 (now U.S. Patent No. 6,750,480 B2) claims. Thus, Chang '242

may only qualify, if it does, as prior art against the present application under 35 U.S.C. § 102(e).

As stated by Dr. Welser in Section 4 of the Declaration, Applicants' claimed invention was reduced to practice prior to April 11, 2000, the 102(e) date of Chang '242. Therefore, Chang '242 is not prior art against the present application, thereby obviating the claim rejections. Accordingly, Applicants respectfully request that the Examiner withdraw these rejections.

### **SUMMARY AND CONCLUSIONS**

As discussed above, Chang '242 is not prior art against the present application. Claim 16 has been amended, as suggested by the Examiner. Thus, in view of the above amendments and remarks, it is believed that all pending claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

N. Scott Pierce

Registration No. 34,900

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 9/7/06